

Eliezer Drew (ED0625)  
Grushko & Mittman, P.C.  
551 Fifth Avenue, Suite 1601  
New York, New York 10176  
(212) 697 – 9500  
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ALPHA CAPITAL ANSTALT,

Index No.: 07 Civ. 9242(AKH)  
ECF CASE

Plaintiffs,

- against -

NESS ENERGY INTERNATIONAL, INC.

Defendants.  
-----X

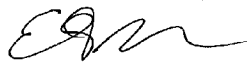
Eliezer Drew declares under penalty of perjury:

1. I am an attorney admitted to practice before this Court and the Courts of the State of New York and am an associate at the law firm of Grushko & Mittman, P.C., attorneys for the Plaintiff.

2. On May 19, 2008, I served the enclosed papers, **Order to Show Cause, Affirmation in Support of an Order to Show Cause for an Order to Turn Over Assets Pursuant To Rule 69 and Memorandum of Law**, on the Defendant by emailing them to Alan Stricklin, Chief Executive Officer of the defendant at [alan@txoilgas.com](mailto:alan@txoilgas.com) with a copy by USPS Express Mail to the defendant's address PO Box 161638, Fort Worth, Texas 76161

Dated: New York, New York  
May 21, 2008

Grushko & Mittman, P.C.

By:   
\_\_\_\_\_  
Eliezer Drew  
Attorneys for Plaintiff  
551 Fifth Avenue, Suite 1601  
New York, New York 10176  
(212) 697-9500